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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSE JESUS GUTIERREZ VASQUEZ,) No. C-06-6664-PJH
Petitioner,)
v.)
MICHAEL CHERTOFF, Secretary of)
Homeland Security; JULIE L. MEYERS,)
Assistant Secretary for Immigration and)
Customs Enforcement; ALBERTO)
GONZALES, Attorney General; UNITED)
STATES IMMIGRATION AND)
CUSTOMS ENFORCEMENT; UNITED)
STATES DEPARTMENT OF)
HOMELAND SECURITY,)
Respondents.)

STIPULATION TO A FOURTH
EXTENSION OF DEADLINE FOR FILING
A RESPONSE TO THE COURT'S ORDER
TO SHOW CAUSE

The petitioner, by and through his attorneys of record, and respondents, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to a fourth extension of time within which the respondents may file a response to the Order to Show Cause (OSC) issued by this Court on April 24, 2007.

(1) The petitioner filed a petition for writ of habeas corpus with this Court on October 26, 2006, alleging that he received ineffective assistance of counsel in connection with the filing and prosecution of a petition for review in the United States Court of Appeals for the Ninth Circuit.

STIPULATION TO A FOURTH EXTENSION OF DEADLINE FOR FILING RESPONSE
C 06-6664-PJH

1 See *Gutierrez-Vasquez v. Gonzales*, Appeal No. 04-73084.

2 (2) This Court issued an OSC on April 24, 2007, directing the government to file a brief
3 within 30 days addressing whether this Court has jurisdiction over the habeas petition in light of
4 the REAL ID Act of 2005.

5 (3) The parties have been exploring a means of resolving this habeas petition, as well as the
6 petition for review that is pending at the Ninth Circuit.

7 (4) On May 3, 2007, the government filed an unopposed motion with the Ninth Circuit to
8 suspend the briefing schedule in that case until at least July 9, 2007.

9 (5) On May 9, 2007, this Court granted the parties' stipulation to extend the deadline for
10 responding to this Court's OSC to August 10, 2007.

11 (6) On May 17, 2007, the Ninth Circuit vacated the briefing schedule and has asked counsel
12 for the government to provide periodic reports on the status of the case.

13 (7) On August 15, 2007, this Court granted the parties' second stipulation to extend the
14 deadline for responding to this court's OSC to November 9, 2007.

15 (8) On October 26, 2007, the petitioner and the Chief Counsel's Office for the United States
16 Immigration and Customs Enforcement filed a motion to reopen with the Board of Immigration
17 Appeals (BIA).

18 (9) On November 15, 2007, this Court granted the parties' third stipulation to extend the
19 deadline for responding to this Court's OSC to February 8, 2008.

20 (10) The motion to reopen is currently pending with the BIA and it is anticipated that the
21 parties will know within a few months whether this case may be resolved without further action by
22 this Court.

23 (10) The parties recognize that this is their fourth stipulation to extend the deadline for
24 respondents' response to the OSC and appreciate the Court's patience in this matter

25 Accordingly, the parties respectfully ask this Court to extend the deadline for the government
26 to file its brief in response to the Court's OSC to May 9, 2008.

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3 Date: February 8, 2008
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Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
United States Attorney
6

7 /s/
8 EDWARD A. OLSEN
9 Assistant United States Attorney
10 Attorneys for Respondents
11

12 Date: February 8, 2008
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14 /s/
15 JENNIFER C. CHANG
16 AMERICAN CIVIL LIBERTIES UNION
17 FOUNDATION IMMIGRANTS' RIGHTS PROJECT
18 Attorneys for Petitioner
19

20 **ORDER**
21

22 Pursuant to stipulation, IT IS SO ORDERED.
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24 Date: February 12, 2008
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